

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING: RECONSIDERATION

FACT SHEET

ACTION

- On May 16, 2003, the Environmental Protection Agency (EPA) promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at brick and structural clay products (BSCP) manufacturing facilities (the final rule). The Administrator subsequently received a petition for reconsideration of the final rule from Earthjustice on behalf of Sierra Club. On April 22, 2005, EPA announced its reconsideration of and requested public comment on one issue arising from the final rule.
- In its petition for reconsideration, Sierra Club claimed that the maximum achievable control technology (MACT) floors, and MACT standards based on the floors, at promulgation were set using a different control technology than the control technologies upon which the proposed standards were based. Sierra Club further claimed that EPA did not provide adequate opportunity for public comment on the revised MACT floors. At proposal, the standards for certain tunnel kilns were based on three control technologies: dry lime injection fabric filters (DIFF), dry lime scrubber fabric filters (DLS/FF), and wet scrubbers (WS). At promulgation, the standards were based on dry limestone adsorption (DLA) technology.
- Because the proposed MACT floors and standards were changed in response to comments received on the proposed rule, the April 22, 2005 notice of reconsideration of the final rule requested public comment on our decision to base the MACT requirements for certain tunnel kilns on DLA technology.
- We received 15 responses to our reconsideration and request for public comment. After carefully considering the comments that were submitted as a result of the reconsideration process, we have concluded that the DLA-based MACT floors and standards determined at promulgation are correct, and no changes to the final rule are warranted. Therefore, in today's notice of final action on reconsideration, we are announcing that we are not amending the final BSCP rule at this time.

BACKGROUND

- Under the Clean Air Act (CAA), EPA is required to regulate emissions of 188 toxic air pollutants. On July 16, 1992, EPA published a list of industry groups, known as source categories, that emit one or more of these air toxics. For listed categories of "major" sources (those that have the potential to emit 10 tons per year or more of a single listed air toxic or 25 tons per year or more of a combination of air toxics), the CAA requires

EPA to develop standards that restrict emissions to levels consistent with the lowest emitting (also called best-performing) facilities. These standards are based on stringent air pollution reduction measures known as MACT.

- The CAA requires the MACT floor for new sources to be based on the degree of emissions reductions achieved in practice by the best-controlled similar source. For existing sources, the MACT floor represents the average emission limitation achieved by the best performing 12 percent of existing sources.
- EPA's published list of industry groups to be regulated includes "Clay Products Manufacturing." Early in the regulatory development process, four distinct industries were identified within the listed source category. Standards for "brick and structural clay products manufacturing" were subsequently proposed on July 22, 2002 and promulgated on May 16, 2003.
- The brick and structural clay products production process consists of preparing the raw materials (primarily clay and shale), forming the processed materials into bricks and shapes, and drying and firing the bricks and shapes.

FOR MORE INFORMATION

- To download the reconsideration notice from EPA's web site, go to "Recent Actions" at the following address: <http://www.epa.gov/ttn/oarpg>.
- Today's reconsideration notice and other background information also are available through EPA's Air and Radiation Docket and Information Center (Docket Number OAR-2002-0054 (legacy number A-99-30)) by calling (202) 566-1742 or faxing (202) 566-1741. A reasonable fee may be charged for copying.
- For further information about the reconsideration notice, contact Ms. Mary Johnson at EPA's Office of Air Quality Planning and Standards at (919) 541-5025.
- The EPA's Office of Air and Radiation's (OAR) homepage on the Internet contains a wide range of information on the air toxics program and many other air pollution programs and issues. The OAR home page address is: <http://www.epa.gov/oar/>.